



IN THE UNITED STATES PATENT AND TRADEMARK OFFICE

Applicant : Philip Marriott
Serial No. : 09/787,358
Filed : May 15, 2001

Art Unit : 2881
Examiner : Anthony Quash
Confirmation No.: 7859
Notice of Allowance Date: November 23, 2005

Title : MEANS FOR REMOVING UNWANTED IONS FROM AN ION TRANSPORT
SYSTEM AND MASS SPECTROMETER

MAIL STOP ISSUE FEE

Commissioner for Patents
P.O. Box 1450
Alexandria, VA 22313-1450

RESPONSE TO NOTICE OF ALLOWANCE

In response to the Notice of Allowance mailed November 23, 2005, enclosed are a completed issue fee transmittal form PTOL-85b and a check for \$1430 for the required issue fee, including patent copies. Also enclosed are an Interview Summary and a Comment on Examiner's Reasons for Allowance.

CERTIFICATE OF MAILING BY FIRST CLASS MAIL

I hereby certify under 37 CFR §1.8(a) that this correspondence is being deposited with the United States Postal Service as first class mail with sufficient postage on the date indicated below and is addressed to the Commissioner for Patents, P.O. Box 1450, Alexandria, VA 22313-1450.

December 7, 2005

Date of Deposit

Signature

Mae Pattison

Mae Pattison

Typed or Printed Name of Person Signing Certificate

Applicant : Philip Marriott
Serial No. : 09/787,358
Filed : May 15, 2001
Page : 2 of 2

Attorney's Docket No.: 14544-002001

Please apply any additional charges or credits to our Deposit Account No. 06-1050.

Respectfully submitted,

Date: 12/1/05

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IN THE UNITED STATES PATENT AND TRADEMARK OFFICE

Applicant : Philip Marriott
Serial No. : 09/787,358
Filed : 5/15/2001
Title : Means for Removing Unwanted Ions from an Ion Transport System and Mass Spectrometer.

Art Unit : 2881
Examiner : Anthony Quash

Mail Stop Amendment
Commissioner for Patents
P.O. Box 1450
Alexandria, VA 22313-1450

INTERVIEW SUMMARY

The undersigned representative thanks the Examiners for the courtesy of the telephonic interview held on November 21, 2005. The interview included a discussion of claims 1, 13 and 27 and U.S. Patent Nos. 6,259,091 ("Eiden") and 6,753,523 ("Whitehouse").

The substance of the interview included the following reasons warranting favorable action. Applicant argued that lens stack 750 of Eiden was not a mass selective device. Figure 13 of Whitehouse was also discussed, and Applicant argued that column 41, lines 57-67 describe the potential operating modes for the two mass selective devices in Figure 13. Applicant noted that none of the operating modes used the same m/z ratio. With respect to the disclosure of Whitehouse at column 22, lines 40-43, Applicant argued that narrowing a range to improve duty cycle of a time-of-flight mass analyzer was not the same thing as operating two mass analyzers with the same m/a ratio. The inventor provided an overview of elemental and organic mass spectrometry, and explained the present invention addressed reducing the formation of interfering ions in the collision cell, and that Whitehouse addressed a different problem and thus would not suggest using the same m/z ratio.

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Attorney's Docket No.: 14544-002001

Respectfully submitted,

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COMMENTS ON EXAMINER'S REASONS FOR ALLOWANCE

Applicant recognizes that in accordance with M.P.E.P. § 1302.14, the Examiner's reasons for allowance need not set forth all of the details as to why the claims are allowed. In the above-referenced application, Applicant does not concede that the Examiner's stated reasons for allowance are the only reasons for which the claims are allowable. For example, Applicant does not concede that "a fourth aperture for transmitting the ion beam into a third evacuated chamber" is necessary to distinguish the prior art of record or to satisfy the requirements of 35 U.S.C. § 112. Furthermore, the claims may be patentable for other reasons, and the dependent claims may be allowable on their own merits.

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